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Summary record of the 51st meeting
Held at Headquarters, New York, on Tuesday, 23 November 2004, at 10 a.m.

Chairman: Mr. Kuchinsky ..... (Ukraine)

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The meeting was called to order at 10.45 a.m.

Agenda item 103: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*)

Draft resolution on measures to be taken against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism (A/C.3/59/L.67/Rev.1)

1. **Mr. Ivanou** (Belarus), introducing the draft resolution contained in document A/C.3/59/L.67/Rev.1, said that, in paragraph 4, the words "with appreciation" should be deleted from the first line. The draft resolution drew attention to the dangerous social phenomenon represented by such political platforms and ideologies. The United Nations had played a major role in helping to overcome such phenomena in the years after World War II, and was currently the undisputed authority in that area. The world was currently experiencing the damaging impact of such phenomena once again, and there was a need for new and balanced steps to eliminate them. He hoped that the draft resolution could be adopted by consensus.

Agenda item 100: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Draft resolution on the new international humanitarian order (A/C.3/59/L.74)

2. **The Chairman** said that the draft resolution had no programme budget implications and announced that Bangladesh had joined the sponsors.

3. **Mr. Hyassat** (Jordan) drew attention to the amendments to the text of the draft resolution which had been agreed in the informal consultations and which were being circulated to members. A revised text would be issued; he requested that action on the draft resolution should be taken at a subsequent meeting.

Agenda item 104: Right of peoples to self-determination (*continued*)

Draft resolution on universal realization of the right of peoples to self-determination (A/C.3/59/L.75)

4. **The Chairman** informed the Committee that the draft resolution had no budget implications. Algeria, Armenia, Bahrain, Benin, Brunei Darussalam, Burkina Faso, Cameroon, Jordan, Oman, Saudi Arabia, Singapore, Somalia, Thailand and Upper Arab Emirates had become sponsors of the draft resolution, and Nigeria wished to be deleted from the list of sponsors.

5. **Mr. Hayee** (Pakistan) drew attention to the importance of draft resolution A/C.3/59/L.75. Resolutions on universal realization of the right of peoples to self-determination had been adopted by the Committee and the General Assembly for the past 25 years. Time constraints did not allow for all the proposals on the draft resolution to be considered, but he would welcome any future suggestions.

6. *Draft resolution A/C.3/59/L.75 was adopted without a vote.*

7. **Mr. Osmane** (Algeria), explaining his delegation's position, said that the importance his Government attached to the universal realization of the right of peoples to self-determination derived from Algeria's bitter experience of a war of liberation against a particularly inhuman colonial system.

8. **Mr. D'Alotto** (Argentina) said that the text of the resolution just adopted should be interpreted and applied in accordance with the resolutions of the General Assembly and the Special Political and Decolonization Committee relating to the question of the Malvinas Islands. He referred in particular to General Assembly resolution 2065 (XX) et seq., which recognized the existence of a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty and requested them to resume bilateral negotiations in order to find as soon as possible a peaceful, just and definitive solution, taking into account the interests of the peoples of the Islands.

9. **Mr. Hof** (Netherlands), speaking on behalf of the European Union, said that the right of peoples to self-determination was a pillar of international law which remained relevant and deserved close attention from the international community. Respect for the right of

peoples to self-determination was an integral part of States' human rights obligations. All States members of the European Union were parties to the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, which protected the right to self-determination.

10. His delegation regretted that the draft resolution did not do justice to the important issue of the full and effective observance of the right of peoples to self-determination. Its thrust was too narrow and should have reflected more clearly the practice of self-determination under international law. Moreover, the text contained a number of inaccuracies. According to the International Covenants, the right to self-determination applied only to peoples, not nations. Furthermore, it was incorrect to suggest that self-determination was a precondition for the enjoyment of all human rights. His delegation would have liked to see the right of return reflected in accordance with article 13 (2) of the Universal Declaration of Human Rights.

11. Such weaknesses undermined the quality of the debate that should be taking place on the issue. He regretted that the main sponsors of the resolution had not been more open to discussing the draft, which did not reflect developments in jurisprudence and in the general recommendations adopted by treaty bodies during the previous 24 years. The European Union welcomed the statement by the representative of Pakistan that constructive consultations would be held in 2005 to improve and update the text and hoped that they would result in a more effective instrument for encouraging all States to respect their obligations in connection with the right of peoples to self-determination.

Agenda item 105: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Draft resolutions on the situation of human rights in Zimbabwe and in the Sudan (A/C.3/59/L.46 and L.48)

12. **Mr. Khane** (Secretary of the Committee) informed the Committee that the representative of South Africa had requested that action on draft resolution A/C.3/59/L.48 should be deferred until action was taken on draft resolution A/C.3/59/L.46.

13. **Ms. Bakker** (Netherlands) said that action should be taken immediately on draft resolution A/C.3/59/L.48, as it was ready for a vote.

14. **Mr. Ndimeni** (South Africa) said that the Committee should abide by the rules of procedure of the General Assembly and vote in the sequence in which the draft resolutions were numbered. Given that draft resolution A/C.3/59/L.46 had been available for consideration since 2 November 2004, he failed to understand why action could not be taken on it. He moved the adjournment of the discussion on draft resolution A/C.3/59/L.48 until the following day.

15. **Mr. van den Berg** (Netherlands) said that action had already been taken on draft resolutions A/C.3/59/L.49, L.50, L.53 and L.55 and that there was clearly no rule against voting on draft resolutions out of sequence.

16. **Mr. Khane** (Secretary of the Committee) read out rule 116 of the Rules of Procedure of the General Assembly concerning the adjournment of debate on the item under discussion.

17. **Mr. Xie** Bohua (China) and **Mr. Osmane** (Algeria) spoke in favour of the motion to adjourn the debate.

18. **Ms. Maille** (Canada) and **Mr. van den Berg** (Netherlands) spoke against the motion.

19. *A recorded vote was taken on the motion to defer action on draft resolution A/C.3/59/L.48.*

In favour:

Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar,

Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Micronesia (Federated States of), Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Brazil, Colombia, Dominican Republic, Ecuador, Grenada, Iraq, Jamaica, Kyrgyzstan, Liberia, Papua New Guinea, Solomon Islands, Tuvalu.

20. *The motion was carried by 92 votes to 67, with 12 abstentions.*

The meeting rose at 12.05 p.m.